

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAYMOND L. HOYT, et al.,
Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC, et al.,
Defendants.

Case No. [15-cv-05422-MEJ](#)

**ORDER RE: CONSENT FROM
PLAINTIFF RAYMOND L. HOYT**

**REMINDER RE: ORDER REFERRING
CASE TO ADR UNIT**

A. Consent to Magistrate Judge Jurisdiction

On November 27, 2015, Plaintiff Raymond L. Hoyt, who appears pro se in this matter, filed a Consent to Magistrate Judge Jurisdiction. Dkt. No. 6. However, he subsequently filed a request for reassignment on December 4, 2015. Dkt. No. 11.

In accordance with 28 U.S.C. § 636(c)(1), the magistrate judges of this District are designated to conduct all proceedings in a civil case upon the consent of the parties. All parties have the right to have their case assigned to a United States District Judge for trial and disposition, and they are free to withhold consent without adverse substantive consequences. *Id.* § 636(c)(2). However, once consent is granted, there is no absolute right to withdraw consent to jurisdiction before a magistrate judge. *See United States v. Neville*, 985 F.2d 992 (9th Cir. 1993). In ruling on a motion to withdraw consent, courts consider factors including timeliness, whether granting the motion would unduly interfere with or delay the proceedings, the burdens and costs to litigants, and whether consent was voluntary and uncoerced. *Id.* at 1000.

Mr. Hoyt's attempted withdrawal of consent is not accompanied by any explanation of the grounds for withdrawal. Further, there is no indication in the record that Mr. Hoyt's consent was coerced as he filed it two days after filing his Complaint. Accordingly, the Court finds there is no

1 good cause or extraordinary circumstances justifying the withdrawal of consent. Therefore, Mr.
2 Hoyt's request to withdraw his consent to proceed before a magistrate judge is DENIED.

3 **B. ADR Department Referral**

4 The Court reminds Plaintiffs that it previously vacated all pending deadlines in this case
5 and referred the parties to the ADR Department for a telephone conference to assess the case's
6 suitability for mediation or a settlement conference. Dkt. No. 9. The Court did so based on Mr.
7 Hoyt's "Request to Expedite Decision on Indigency," in which he stated the foreclosure sale of
8 Plaintiffs' residence was scheduled for December 7, 2015. Dkt. No. 7. However, since the
9 referral, the ADR Department has tried multiple times to contact Plaintiffs, to no avail.
10 Accordingly, the Court ORDERS Plaintiffs to call the ADR Department at (415) 522-2199 by
11 December 16, 2015. Plaintiffs are advised that their failure to contact the ADR Department by
12 December 16 may result in the dismissal of their case pursuant to Federal Rule of Civil Procedure
13 41(b).

14 **IT IS SO ORDERED.**

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16 Dated: December 9, 2015

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19 MARIA-ELENA JAMES
20 United States Magistrate Judge
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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 9, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Marjorie A. Hoyt
Raymond L. Hoyt
162 Oakridge Drive
Danville CA 94506

Dated: December 9, 2015

Richard W. Wieking
Clerk, United States District Court

By: 
Chris Nathan, Deputy Clerk to the
Honorable MARIA-ELENA JAMES